

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11TH DAY OF OCTOBER 2005, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	Annette S. Perkins (arrived 8:30 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Marc McGruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the following addendum dated October 11, 2005 was added to the Agenda under Closed Meeting:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. New Blacksburg High School Stadium

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Steve L. Spradlin		Annette S. Perkins
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Boundary Adjustment Agreement with the Town of Christiansburg.
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. New Blacksburg High School Stadium

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		Annette S. Perkins
Steve L. Spradlin		
James D. Politis		
Gary D. Creed		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		Annette S. Perkins
James D. Politis		
Mary W. Biggs		
Gary D. Creed		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Steve L. Spradlin
James D. Politis
Mary W. Biggs
Doug Marrs
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

John A. Muffo

Annette S. Perkins

ABSENT DURING MEETING

John A. Muffo

Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION OF AWARDS

Virginia Association of Chiefs of Police Lifesaving Award

Chief Gary Brumfield, Town of Christiansburg Police Department, recognized Sergeant Lewis Heslip and Corporal John Eaton with the Montgomery County Sheriff's Office on receiving the Virginia Association of Chiefs of Police Lifesaving Award. Sgt. Heslip and Corporal Eaton, along with four Town of Christiansburg Police officers, were involved in an attempted rescue of three victims from a fatal fire on March 22, 2005. All six officers were awarded the Lifesaving Award from the Virginia Association of Chiefs of Police.

Humane Society of Montgomery County

The Humane Society of Montgomery County presented a plaque of appreciation to the Parks and Recreation Department for the County's annual dog swim held at the Montgomery County Frog Pond.

PUBLIC HEARING

Joint Public Hearing – Virginia Department of Transportation – Six Year Secondary Road Improvement Plan and Secondary System Construction Budget

The Proposed Six Year Plan for Improvement of the State Secondary Highway System in Montgomery County for 2006-2007 through 2010-2011 and establishment of priorities for the 2006-2007 budget year, pursuant to Section 33.1-70.01 of the Code of Virginia of 1950, as amended. Rural Addition requests will also be taken at this public hearing.

David Clarke, VDOT's Resident Engineer, explained the process of the Six Year Secondary Road Improvement Plan and provided an overview of the draft Six Year Secondary Road Improvement Plan.

Mr. Clarke reported that Montgomery County will receive \$1.3 million the next three years and \$1.1 million is projected for the following three years.

Camp Carysbrook Rd – Charlie Bowles urged the Board to upgrade Camp Carysbrook Road.

Childress Road – Owen Davidson asked the Board to perform a county-wide speed limit study on the secondary roads in Montgomery County. He believes the secondary roads are not properly posted for speed. Childress Road is one example where the posted speed limit is not consistent, which is a safety issue.

Clay Street – Eric Oliver expressed concerns with Montgomery County Public Schools discontinuing the school bus route on Clay Street due to maintenance issues on the road. He urged the Board to request VDOT to perform the necessary work to resolve any maintenance issues the School Board may have on Clay Street.

Cornstalk Road - Albert Carrier requested that Cornstalk Road be added to the six-year road program. This is a dirt road that washes out after each rainfall and motorists cannot use the road in the wintertime.

Elliott Creek- The following statement was received via e-mail and was requested to be entered into the record:

“William E. Roberts

Subject: Six Year Secondary Road Improvement Plan Hearing for October 11, 2005 for inclusion in BOS meeting record

Dear Sirs:

My wife and I recently purchased two parcels (approximately 42 acres) on Elliott Creek (Route 675), off South Franklin Street. Our long-term plans are to build a home and possibly a small vineyard. However, our access road (Route 675) is impassable without a four-wheel drive vehicle. We would like to request that our road (Route 675) be included and recommended by the Board’s Six Year Secondary Road Improvement Program.

Thanks!
William”

Fishers View Road- Leon Alley and Judy Poff requested Fishers View Road be upgraded. They maintained that this road had to be closed in the winter due to it being impassable. They thanked the Board for approving revenue sharing funding to upgrade Fishers View Road.

Five Points Road - Steve Martin asked the Board to consider widening and paving Five Points Road.

Flick Drive Dennis Brooks, Teresa Cook, and Michael Yopp urged the Board to upgrade the non-paved portion of Flick Drive. The non-paved portion is not state maintained, therefore, postal service and school buses do not travel this road.

Hawley Road - Pado Scardina stated Hawley Road is a private street but is recognized as a state road. He believes it should be transferred to the State to be maintained.

Mt. Tabor Road - Arnold Lafon urged the Board to add Mt. Tabor Road to the Six-Year Road program. Mt. Tabor is a narrow road and motorists have a difficult time passing each other as most of the road is only one lane in most sections. He also asked that rock and brush be removed in order to see around the curves.

Piney Woods Road - Jason Blackburn and Susan Blackburn spoke against paving Piney Woods Road. They indicated that if the road is paved then the traffic will increase, speed will increase, and the development in the area will increase. They recommended that VDOT grade the road more frequently and distribute gravel more evenly.

Sandra Rorrer and James Coyle urged the Board to pave Piney Woods Road. Ms. Rorrer submitted a petition with 48 signatures that are in support of paving the remainder of Piney Woods Road.

Pollard Road - Dewayne Martin and Robert Dowdy urged the Board to upgrade Pollard Road. Residents who live on Pollard Road have been asking the County for 15 years to have this road upgraded. The road is only 14 ft wide, which creates a safety issue considering a school bus is 9 1/2 ft wide. The road is barely wide enough for two small cars to pass. They urged the Board to consider their request.

Yellow Sulphur Road - Laura Helms, Dickie Lang, Ben Craft, John East, Kevin Hiatt, Leonard Craft, Albert Huff, Kevin Carter, and Quinton Burch addressed the Board about the dire need of upgrading and paving on Yellow Sulphur Road. Yellow Sulphur Road has been on the Six-Year Road Plan for over ten years and the road is getting worse. Many safety issues need to be addressed, such as widening the road and eliminating blind curves. This road is used as a short cut, with a high traffic count. They asked that a community meeting with VDOT and the Board of Supervisors be scheduled in order to voice their concerns and develop an action plan to get Yellow Sulphur Road upgraded.

Woodrow Rd – Steve Mannon addressed concerns with drain problems from the 460 By-pass onto Woodrow Road and the need to widen Woodrow Road. Mr. Mannon stated that Woodrow Road floods due to a drainage problem on the 460 By-pass. VDOT representatives stated they plan to replace the drains but, to date, this has not occurred. This matter needs immediate attention. Also, the residents are willing to give the necessary right-of-way needed to widen Woodrow Road.

Supervisor Politis expressed concerns with the speed limit at the intersection of Rt. 8 and Old Rough Road and requested that VDOT conduct a speed study in order to extend the 45 mph speed limit just past the Old Rough Road intersection.

R-FY-06-52
SPEED STUDY REQUEST
RT 8 NEAR OLD ROUGH ROAD (SR 616)

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors has expressed concerns relative to conditions and safety on Rt. 8 near the Old Rough Road (SR 616) intersection; and

WHEREAS, The posted speed limit of 45 mph ends just before you get to Old Rough Road (SR 616) and motorists speed up at this intersection creating a safety hazard.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on Rt. 8 near the Old Rough Road (SR 616) intersection to determine the feasibility of extending the 45 mph limit another 0.10 miles south of Old Rough Road (SR 616).

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

PUBLIC ADDRESS

Charlie Bowles stated Camp Carysbrook has lost all its summer business due to the condition of Camp Carysbrook Road. Since the school bus wrecked on this road, busses are not permitted to the camp until the road is improved. He believes this road should be maintained so that Camp Carysbrook can continue youth activities. Mr. Bowles also expressed concern with the lack of record keeping at VDOT. He believes formal complaint system needs to be created.

DELEGATION

Southwest Legal Aid Society, Inc.

Debra Sifford, Attorney for Legal Aid Society, updated the Board on the progress of the Southwest Legal Aid Society, Inc. They are a private, non-profit organization that provides free civil legal assistance to the low-to-moderate-income citizens. They have been located in Montgomery County for 22 years, with 10 attorneys. Last year in Montgomery County they had 12,000 requests for legal service. Ms. Sifford reported they received a two-year program grant to help with domestic violence. This program will address the legal and social needs of victims of domestic violence, stalking, and sexual assault. Ms. Sifford thanked the Board for their time and urged the Board to contact her if they had any questions in the future.

CONSENT AGENDA

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 11, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

A-FY-06-39 SHERIFF GRANT SCHOOL RESOURCE OFFICER RETURN EXCESS FUNDS FROM FY04

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, by the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

321	Sheriff's Grants	\$4,486
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	\$4,486

Said resolution appropriates excess funds received from the State in error.

A-FY-06-40 SHERIFF RECOVERED COSTS

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$4,831
320	Sheriff – County	<u>\$1,055</u>
	Total	\$5,886

The sources of the funds for the foregoing appropriation are as follows

<u>Revenue Account</u>		
441101	Insurance Recoveries	\$4,831
419108	Recovered Costs	<u>1,055</u>
	Total	\$5,886

Said resolution appropriates recovered costs from insurance and overtime worked by deputies.

A-FY-06-41
COMMONWEALTH'S ATTORNEY
SUPPLEMENTAL APPROPRIATION

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$11,360
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balances	\$ 796
423100	Shared Expenses	<u>\$10,564</u>
	Total	\$11,360

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services and also appropriates funds approved by the State Compensation Board for the purchase of computer equipment.

A-FY-06-42
PLANNING AND GIS
CONSERVATION EASEMENT PROGRAM

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

800	Planning and GIS	\$53,162
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balances	\$53,162

Said resolution appropriates monies collected from the roll-back taxes in excess of the FY 05 budget for the Conservation Easement program.

R-FY-06-45
BOARD OF SUPERVISORS DECEMBER MEETING
CHANGE MEETING DATE

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in **December on Monday, December 19, 2005 at 6:00 p.m., and cancels the second meeting in December due to the holidays.**

R-FY-06-46
LIVESTOCK CLAIM
LINDA YOUNG

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Linda Young is hereby compensated \$150.00 for the loss of one sheep.

OLD BUSINESS

ORD-FY-06-06 An Ordinance Renewing Agricultural and Forestal District (AFD-7) within Montgomery County, Virginia

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Adelia P. Arrington, Richard G. Ballengee Trustee, Stephen Jackson & Revonda Breeding Brumfield, John C. Lipsey, Ena J. Blake Moles, Bitley B. Quesenberry, Michael E. & Kristi W. Snyder, Stacy Anne Snyder, and Joe C. Stewart have filed an application for the renewal of AFD-7 on May 17, 2005, which Agricultural and Forestal District was created by an ordinance adopted on the 5th day of October, 1981 and previously renewed by ordinances adopted on October 10, 1988 and October 15, 1996; and

WHEREAS, The Planning Department held a public meeting on April 28, 2005; following commencement of the renewal process by resolution of the Board of Supervisors on March 22, 2005; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 24, 2005; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 23, 2005 in the New River Valley Current, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 14, 2005; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2005, and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on September 26, 2005.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- 1) That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.

- 2) That this Agricultural and Forestal District, AFD-7, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31st Day of December, 2013, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- 3) That said District as renewed shall consist of approximately 2606 acres in the Wilson Creek/Den Creek District of Montgomery County, and shall include the following parcels:

Name	Tax Map #	Acreage
Adelia P. Arrington	068-A-89, 88,91, *	223
Richard G. Ballengee Trustee	068-A-86	153
Stephen Jackson & Revonda Breeding		
Brumfield	081-A-44, 39-43	140
	080-A-67	20
John C. Lipsey	068-A-85D	159
	068-A-82	457
Ena J. Blake Moles	081-A-28A	24
	081-A-30	32
	080-A-60, 61; 080*	132
	080-A-62	39
Bitley B. Quesenberry	080-5-1	47
Michael E. & Kristi W. Snyder	069-A-10A	6
	069-A-10E	23
	069-A-28	103
	069-A-28C	5
	069-A-27	407
Stacy Anne Snyder	069-A-27A, 81(A*	221
Joe C. Stewart	081-A-1	376
	069-A-13 69(A) 1*	39
TOTAL		2606

- 4) That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5) That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6) That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.

- 7) That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
- 8) That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance. That an exception for interstate roads either within or along the boundary of said District is hereby created for proposed right-of-way shown on Interstate 81 Improvement Study VDOT Project No. 0081-962-F09 F10 PE-100 MP118-MP163 dated November 1998.
- 9) That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

ORD-FY-06-07
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-9)
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Justin S. Askins & Tina Tracy Neyhart, Lowell Elmer Bower ETAL, Opal L. Frank Caldwell, John G. & Donna A. Conner, Annette Graham David & Joyce L. Graham, Fotheringay LLC, Joyce L. Graham, Carolyn L. H'Doubler, Mary S. Heslep, Randolph Howard Leech & Irene Ellis, James Madison Marye & Charlotte M. Hawes, Madison E. Marye and Joe C. Stewart have filed an application for the renewal of AFD-9 on May 17, 2005, which

Agricultural and Forestal District was created by an ordinance adopted on the 27th day of September, 1982 and previously renewed by ordinances adopted on October 9, 1989 and October 14, 1997; and

WHEREAS, The Planning Department held a public meeting on April 28, 2005; following commencement of the renewal process by resolution of the Board of Supervisors on March 22, 2005; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 24, 2005; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 23, 2005 in the New River Valley Current and the News Messenger, newspapers of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 14, 2005; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2005, and;

WHEREAS, The Board of Supervisors after proper notice held its public hearing on September 26, 2005.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- 1) That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
- 2) That this Agricultural and Forestal District, AFD-9, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31st Day of December, 2013, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- 3) That said District as renewed shall consist of approximately 4868 acres in the Elliston/Peddler Hills District of Montgomery County, and shall include the following parcels:

Name	Tax Map #	Acreage
Justin S. Askins & Tina Tracy Neyhart	058-A-51	140
Lowell Elmer Bower ETAL	046-A-3	325
Opal L. Frank Caldwell	084-A-40	102
John G. & Donna A. Conner	046-A-23	18
	046-A-24, 25	57

Annette Graham David & Joyce L.Graham	072-A-8 072-A-3	380 145
Fotheringay LLC	072-1-60, 73(1)6* 059-3-58 072-1-56 072-A-4 059-3-57, 59	304 15 59 188 61
Joyce L. Graham	072-A-6, 5	7
Carolyn L. H'Doubler	071-A-5C 071-A-6	72 2
Mary S. Heslep	058-A-59 058-A-57 058-A-58	60 74 132
Randolph Howard Leech & Irene Ellis	045-A-29, 28, 29A*	73
James Madison Marye & Charlotte M. Hawes	072-A-47C	910
Madison E. Marye	072-A-47 072-A-49C	264 292
Joe C. Stewart	058-A55, 55A, 55* 071-A-13, 16; 058* 058-A-89 071-A-10 059-A-44, 45, 46; * 071-A-3	61 712 8 49 263 95
TOTAL		4868

- 4) That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5) That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6) That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
- 7) That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take

into account the special status of both land adjacent to said District and land lying within said District.

- 8) That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance. That an exception for interstate roads either within or along the boundary of said District is hereby created for proposed right-of-way shown on Interstate 81 Improvement Study VDOT Project No. 0081-962-F09 F10 PE-100 MP118-MP163 dated November 1998.
- 9) That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

ORD-FY-06-08
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-10)
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Robert L. & Alma Sue Cox, Virginia E. Cox Life Estate - c/o: Arnold A. & Mildred C. Lafon, Dessy Living Trust - c/o: Raymond E. & Annabelle Dessy Trs., Dan E. Eversole, Fugate Joshua B Le ETAL - c/o: Sharon Linkous ETAL, James L. & Phyllis M. Hutton, John Brown Sutphin Living Trust - c/o: John B Sutphin Trustee, Robert M. & Donna T. Jones, Mildred Cox & Arnold A. Lafon, J. Phillip Pickett & Linda J. Majors Rev. Trust, John C. Schug, Michael E. & Margaret M. Slayton, D. Phillip & Torsten D. Sponenberg, Thomas W. & Bonnie B. Triplett, and Carl E. Zipper have filed an application for the renewal of AFD-5 on May 17, 2005, which Agricultural and Forestal District was created by an ordinance adopted on

the 12th day of October, 1982 and previously renewed by ordinances adopted on October 9, 1989 and October 14, 1997; and

WHEREAS, The Planning Department held a public meeting on April 28, 2005; following commencement of the renewal process by resolution of the Board of Supervisors on March 22, 2005; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on August 24, 2005; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on June 23, 2005 in the New River Valley Current and the News Messenger, newspapers of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public hearing on September 14, 2005; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on September 14, 2005, and;

WHEREAS, The Board of Supervisors after proper notice held its public hearing on September 26, 2005.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- 1) That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
- 2) That this Agricultural and Forestal District, AFD-10, has been reviewed and is hereby continued and renewed, term of eight years terminating on the 31st Day of December, 2013, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- 3) That said District as renewed shall consist of approximately 997 acres in the Mount Tabor District of Montgomery County, and shall include the following parcels:

Name	Tax Map #	Acreage
Robert L. & Alma Sue Cox	029-A-27	50
Virginia E. Cox Life Estate - c/o: Arnold A. & Mildred C. Lafon	028-A-54 & 29-A* 028-A-53	10 4
Dessy Living Trust - c/o: Raymond E. & Annabelle Dessy Trs.	029-A-15	34
Dan E. Eversole	029-2-6C	41

Fugate Joshua B Le ETAL - c/o: Sharon Linkous ETAL	018-A-8, 9, 36	184
James L. & Phyllis M. Hutton	017-A-3	15
	017-A-4	37
John Brown Sutphin Living Trust - c/o: John B Sutphin Trustee	029-6-3; 30-3-1	103
Robert M. & Donna T. Jones	017-A-2E	9
	017-A-2A	37
	017-A-2T	5
	017-A-2U	1
	017-A-2N	21
Mildred Cox & Arnold A. Lafon	028-A-55, 57B	75
J. Phillip Pickett & Linda J. Majors Rev. Trust	017-A-20	20
John C. Schug	029-A-41	66
Daryl L. & Sylvia H. Scott	029-16-6	15
Michael E. & Margaret M. Slayton	017-A-2D	89
D. Phillip & Torsten D. Sponenberg	029-A-45	13
	030-A-6	84
	029-A-44	23
Thomas W. & Bonnie B. Triplett	017-A-2E	11
	017-A-2E	32
	017-A-2E	5
	017-A-2E	1
	017-A-2E	2
Carl E. Zipper	029-16-5	10
TOTAL		997

- 4) That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5) That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6) That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
- 7) That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.

- 8) That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
- 9) That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		

NEW BUSINESS

R-FY-06-47 RESOLUTION APPROVING THE FY 2006-2007 BUDGET CALENDAR

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed FY 2006-2007 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors that departments, offices, and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices, and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting in January 2006. The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

Date	FUNCTION	RESPONSIBILITY
October 24, 2005	Budget work session on issues for budget development.	Board of Supervisors
November 14, 2005	Budget working documents given to divisions and mailed to external agencies along with special instructions and guidelines.	County Administration and Financial & Management Services
November 16, 2005	Budget work session on issues for budget development.	Board of Supervisors
December 12-16, 2005	Divisions without access to the County's network enter base budget changes.	Financial & Management Services
December 30, 2005	Due date for Proposed Base Budget revisions for all divisions, agencies, and organizations (except for Schools).	Directors, Divisions, and Agency Heads
January 9, 2006	Public Hearing for citizen input.	Board of Supervisors
January 9 – February 6, 2006	County Administrator review with Directors, Constitutional Officers, and Agency Heads the proposed budget.	County Administrator
January 23, 2006	Budget work session on budget issues.	Board of Supervisors
February 6, 2006	School Budget delivered to County Administrator	School Board
March 3, 2006	Proposed Budget document delivered to Board of Supervisors	County Administrator
March 6-20, 2006	Work Sessions to develop advertised budget and tax rate	Board of Supervisors
March 20, 2006	By this date, establish advertised tax rate and prepare budget synopsis notices of public hearing in paper.	Board of Supervisors
March 30, 2006	Public Hearing on advertised tax rate and budget	Board of Supervisors
March 30 – April 17, 2006	Work sessions to adopt budget (including Schools) and establish tax rate.	Board of Supervisors
April 17, 2006	Establish tax rate and adopt budget	Board of Supervisors
By June 30 2006	Make final budget appropriations	Board of Supervisors
After July 1, 2006	Divisions and Agencies notified of final appropriations	County Administrator

1. **PUBLIC HEARING:** A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.

2. TAX RATE AND BUDGET: The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.
3. LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 2006 or within 30 days after receipt of State revenue estimates; whichever is later.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Mary W. Biggs		
Gary D. Creed		

**A-FY-06-43
ESCROW REQUESTS
FROM FY 04/05 to FY 05/06**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

110	County Administration	\$ 3,000
120	County Attorney	\$11,089
152	Commissioner of Revenue	\$ 886
162	Treasurer – Collections	\$ 6,492
230	Juvenile Domestic Relations	\$ 1,250
310	Sheriff – Comp Board	\$ 6,719
320	Sheriff – County	\$56,119
520	Human Services	\$ 5,105
700	Parks and Recreation	\$97,105
810	Economic Development	<u>\$47,013</u>
	Total	\$234,778

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205 General Fund Balance	\$ 234,778

Said resolution appropriates amounts recommended to be escrowed for use in the current year to complete projects and to provide funding for liabilities over and above those encumbered by purchase orders.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	John A. Muffo
Annette S. Perkins		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

A-FY-06-44
MONTGOMERY-FLOYD REGIONAL
LIBRARY ESCROW REQUEST

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

710	Montgomery Library	\$17,600
720	Floyd Library	\$ <u>5,400</u>
	Total	\$23,000

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
45120	Fund Balance
	\$23,000

Said resolution appropriates revenue collected in FY 05 in excess of the estimated amount for use by the Library for furniture and site improvements for the Meadowbrook Library; and materials for patrons and furniture for the Floyd Library.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

R-FY-06-48
FY 2005-2006 POSITION
CLASSIFICATION PLAN

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the FY 2005-2006 Position Classification Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

R-FY-06-49
RESOLUTION CHANGING THE SCOPE OF
CIP PROJECT FOR ECONOMIC DEVELOPMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors has approved and re-appropriated \$16,000 in unspent CIP funds for use in the Elliston/Lafayette Industrial Park; and

WHEREAS, The Economic Development Department has requested these remaining funds be redirected to the Falling Branch Corporate Park

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of the CIP project from the Elliston/Lafayette Industrial Park to the Falling Branch Corporate Park.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

R-FY-06-50
RESOLUTION ESTABLISHING A
TECHNOLOGY RESERVE FUND

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Monies from vacancy savings and the deferral of technology projects over several years resulted in no funds remaining at year-end in the Information Management Services Division budget; and

WHEREAS, Funds remaining at the end of Fiscal Year 2004 in the amount of \$338,335 were re-appropriated for use in FY 05 for hardware and software purchase necessary for technology projects; and

WHEREAS, The actual costs and timeframe for implementation of some of the technology projects has not yet been established; and

WHEREAS, Over \$300,000 remained at the end of Fiscal Year 2005 due to the deferral of these projects.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that a Technology Reserve Fund be established in the amount of \$300,000 to cover the future costs of technology projects.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Mary W. Biggs		
Gary D. Creed		

R-FY-06-51
VACO 2005 ANNUAL MEETING
VOTING CREDENTIALS

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes **Annette S. Perkins** to cast its vote at the 2005 Annual Meeting of the Virginia Association of Counties (VACo) on November 15, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	John A. Muffo
Annette S. Perkins		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Western Virginia Regional Jail Authority Financial Advisors - Service Agreement
2. Car Tax Changes

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

Western Virginia Regional Jail Authority Financial Advisors - Service Agreement

The County Administrator reported that each jurisdiction in the Western Virginia Regional Jail Authority (WVRJA) needs to adopt a resolution approving a Service Agreement between the jurisdiction and WVRJA. The WVRJA would like to move forward with the regional jail project and to obtain temporary financing in the means of a \$10 million bond issuance. The Service Agreement will be on the October 24, 2005 agenda for the Board's consideration.

Kevin Rotty, Morgan Keegan, Financial Advisor for WVRJA, made a brief presentation on the financing for the regional jail. The issuance of bonds for the temporary financing is schedule for the end of October 2005. A request for state funding will in the 2006 General Assembly session.

Personal Property Tax Relief Act – Car Tax Changes

Marc McGruder, Budget Manager, made a presentation on the changes to the Personal Property Tax Relief Act of 1998 (PPTRA). The PPTRA has been substantially modified by the General Assembly. These legislative enactments require each locality to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised. Currently the State provides 100% tax relief on qualifying vehicles valued \$1,000 and under. The State provides 70% relief on qualifying vehicles value between \$1,001 and \$20,000. The changes to the PPTRA will mean that the State will no longer provide sufficient funding to provide 70% relief on car tax bills. The State will provide each locality with a fixed dollar amount based on the 2004 personal property tax collections. Since the State dollars will be fixed, the amount of relief provided to taxpayers will drop each year as the value on personal property tax book increases. The implications to the County are either the taxpayers will get less relief or County dollars would have to cover the shortfall in state dollars. It would take \$1 million in local funds to offset the State shortfall.

The State also only provided two options for applying the new car tax changes. Option One, to provide relief amount as a percent; or Option Two, provide the relief amount as a reduced tax rate. The County must choose which option to administer.

Staff is recommending that the County provide only the amount or relief as covered by state dollars and to provide relief as a percentage. This approach is consistent with the current method of relief application, requires no major changes or training, and is the easiest method for the County to administer and explain to citizens.

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

COUNTY ADMINISTRATOR'S REPORT

Christiansburg Rescue Squad – Riner Satellite Station

The County Administrator reported the Christiansburg and Riner Rescue Squads are still seeking donations for the Satellite Station. There is a need for a project manager to oversee the construction of the building. The County Administrator recommended \$12,000 from special contingencies be transferred to this project in order to hire a project manager. A resolution will be on the October 24, 2005 agenda for the Board's consideration.

BOARD MEMBERS' REPORTS

Supervisor Spradlin attended the golf fund-raiser tournament for the Meadowbrook Library at the Madison Marye Golf Course.

Tucker Road and McCoy Road Intersection a community meeting is scheduled for Wednesday, October 19, 2005 at the Prices Fork Grange to discuss safety issues and options for improvement of the Tucker Rd/McCoy Road Intersection.

Supervisor Creed attended the golf fund-raiser tournament for the Meadowbrook Library at the Madison Marye Golf Course.

Elliston Volunteer Fire Department Building – Supervisor Creed requested that the plans for the new Elliston Volunteer Fire Department be expedited. The County Administrator will get an update on the status of the plans.

ADJOURNMENT

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously, the Board adjourned to Monday, October 17, 2005 at the Eastern Montgomery High School at 6:00 p.m. for a joint meeting with the Montgomery County School Board.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

The meeting adjourned at 10:45 p.m.